

RESOLUTION NO. 2009-155



A RESOLUTION OF THE LODI CITY COUNCIL REPEALING  
RESOLUTION 2009-120 AND VACATING A SURPLUS  
PORTION OF LOMA DRIVE LYING ADJACENT TO PARCEL  
LOCATED AT 1310 WEST TURNER ROAD AND AUTHORIZING  
THE CITY MANAGER TO EXECUTE AN AMENDED  
AGREEMENT WITH MICHAEL AND PATRICIA STALLING TO  
EXCHANGE THE VACATED RIGHT-OF-WAY FOR PUBLIC  
IMPROVEMENTS

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WHEREAS, the Council hereby repeals Resolution No. 2009-120; and

WHEREAS, Michael and Patricia Stallings, the owners of 1310 West Turner Road (the "Property") have requested the vacation of a portion of a 20-foot street right-of-way dedicated to the City of Lodi on July 28, 1944, and more particularly described in the revised Attachment 1; and

WHEREAS, the right-of-way has not been used by the City for the purpose for which it was dedicated or for any other use; and

WHEREAS, the Streets and Highways Code of the State of California §8333 provides that the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and the easement has been superceded by relocation and there are no other public facilities located within the easement; and

WHEREAS, pursuant to the requirements of Government Code §27288.1, the names of the owners of the title or interest in the Property as they appear on the latest equalized assessment roll are:

Owners: Michael and Patricia Stallings

WHEREAS, in accordance with Streets and Highways Code §8300 et seq., it is the desire of the City Council of the City of Lodi to vacate such street right-of-way; and

WHEREAS, the property within the proposed vacation is owned in fee by the City of Lodi and will not automatically revert to the adjacent property owners at 1310 West Turner Road upon vacation; and

WHEREAS, the owners of 1310 West Turner Road wish to acquire the vacated right-of-way to remedy an encroachment into the right-of-way by the existing garage and to provide the necessary setback to allow the construction of a masonry wall along Loma Drive frontage; and

WHEREAS, the existing wheelchair ramp at the Turner Road/Loma Drive intersection if constructed today would not be in compliance with current ADA standards, the property owners of 1310 West Turner Road have offered to remove and replace the existing wheelchair ramp in exchange for the vacated right-of-way; and

WHEREAS, the cost to the City to install a wheelchair ramp in conformance with current ADA standards is approximately \$10,000; and

WHEREAS, staff feels the owners' request is reasonable and is similar to past practice whereby street improvements were provided by the City in exchange for right-of-way dedications.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council as follows:

1. That the 20-foot street right-of-way located on the westerly side of Loma Drive between Turner Road (as described in revised Attachment 1) and the railroad be vacated; and
2. That from and after the date this resolution is recorded, such property will not longer constitute a street right-of-way; and
3. That in exchange for the removal and replacement of the existing wheelchair ramp located at the intersection of Turner Road and Loma Drive with an ADA-compliant wheelchair ramp by the Property owners, the City of Lodi will transfer the vacated right-of-way to the Property owners, Michael and Patricia Stallings.

Dated: November 4, 2009

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I hereby certify that Resolution No. 2009-155 was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 4, 2009, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Johnson, Katzakian, and Mayor Hansen

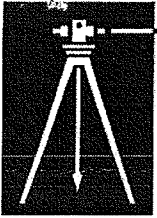
NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – Mounce

ABSTAIN: COUNCIL MEMBERS – None

  
RANDI JOEL  
City Clerk

# REVISED ATTACHMENT 1



**BAUMBACH & PIAZZA, INC.**

CIVIL ENGINEERS. LAND SURVEYORS

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323 W. Elm Street  
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Phone (209) 368-6618  
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## Legal Description City Abandonment

All that certain real property situated in the City of Lodi, County of San Joaquin, State of California, and being more particularly described **as** follows:

The east 20 feet of Lot 4, **as** shown on the Map entitled, "LAKE HOME SUBDIVISION" recorded in Volume 11 of **Maps** and Plats, Page 30, San Joaquin County Records.

EXCEPT THEREFROM a portion **of** said Lot 4 and being more particularly described as follows:

Beginning at the southeast corner of said Lot 4; thence North  $67^{\circ}18'00''$  West, 1.36 feet along the south line of said Lot 4; thence North  $00^{\circ}54'00''$  West, 129.80 feet parallel with the east line of said Lot 4; thence North  $25^{\circ}04'39''$  West, 21.97 feet; thence North  $00^{\circ}54'00''$  West, 55.75 feet parallel with said east line; thence North  $51^{\circ}17'29''$  West, 12.75 feet to the North line of said Lot 4; thence easterly along **said** North line along a curve to the **left** having a radius of 1240.00 feet, a central **angle** of  $0^{\circ}56'42''$ , and an arc length of 20.45 feet to the northeast corner of said Lot 4; thence South  $00^{\circ}54'00''$  East, 218.18 feet along the east line of said Lot 4 to the point of beginning.



*[Handwritten signature]*  
8/7/09